

CITY COMMISSION MINUTES

March 3, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, March 3, 2009 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager, Rod Barnes, Assistant City Manager Mike Guinn, City Clerk Tricia Gowen, City Engineer Christina Cook, and City Attorney Catherine Logan.

PLEDGE OF ALLEGIANCE

GENERAL DISCUSSION

(The Commission requests that comments be limited to a maximum of five minutes for each person.)

John Stewart, 1026 W. Spruce, Junction City, Kansas stated the Mayor did a good job with the State of the City Address. Mr. Stewart stated that the report presented by David Arteberry that was posted on the City's website has items missing from the report. City Manager, Rod Barnes, stated that the report posted on the website is not the same report that Mr. Arteberry presented in the fall. The report that is on the website is exactly what Mr. Arteberry presented. The document from the fall presentation has not changed very much since that time. Mr. Barnes stated that he will request that Mr. Arteberry update the report and present it to the Commission. Mr. Arteberry will update the report when he has time. Mr. Stewart stated that he heard the City had an excess in sales tax and suggested that this excess be applied to the City's debt.

CONSENT AGENDA

Item 4p was requested to be pulled from the Consent Agenda for separate action.

Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Consent Agenda as amended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **February 17, 2009**, City Commission meeting minutes.
- b. Approval of the **February 19, 2009**, Special City Commission meeting minutes.
- c. The consideration of **Appropriation Ordinance** dated February 11, 2009, through February 25, 2009, in the amount of \$467,505.03.
- d. The consideration and approval of **Ordinance S-3054** approving and accepting the final (replat) plat of Champion's Addition (**Final Reading**).
- e. The consideration and approval of **Bond Payment** to the State Treasurer's Office, in the amount of \$1,740,514.45.
- f. The consideration and approval of **Pay Request #20** by HNTB for the US-77 and K-18 Corridor Study, in the amount of \$1,526.85. (KDOT will pay 60%; County 20%; and City 20%, which is \$305.37.)

- g. The consideration and approval of **Waiver of Hangar Fee** at Freeman Field for the Experimental Aircraft Association Wing Nuts Kids Program, in the amount of \$480.00.
- h. The consideration and approval of **Use of Public Works Parking Lot**, located at 2324 N. Jackson, by Barton Community College for a motorcycle training course.
- i. The consideration and approval of **FEMA Grant Application** by the Junction City Fire Department for up to three projects, including AED and CPR training classes, Fire Inspector 1 training program and Fire drive/operator training program, in the amount of \$42,795.00. The grant would require a 10% match (\$4,279.50) which will come from Fire Department budget line items.
- j. The consideration and approval of **Pay Request #18** by BG Consultants for construction management services through January 31, 2009, for the Rucker Road – US-77 to Whitney project, in the amount of \$11,695.43.
- k. The consideration and approval of **Request for Bids** for March 20, 2009, to paint the Spruce Street Water Tower.
- l. The consideration and approval of **Submittal of Application for Recovery Funds 2009**, for economic stimulus projects, including K-18 and Spring Valley Road, US-77 and Rucker Road, 6th and Franklin, Lacy Drive and US-77, Eisenhower and Ash Street intersection, 2008 Adams Street storm drainage, 2010 KLINK, Goldenbelt Mill and Overlay, Spring Valley Road relocation and Ash and Washington Street Traffic Signal.
- m. The consideration and approval of **Pay Request #5** by Larkin Excavating, Inc., for construction services through February 19, 2009, for the Spring Valley Road – McFarland Road to Wildcat Lane project, in the amount of \$161,186.97. (Pay request will be submitted to TRF0067. This project is 73.7% complete.)
- n. The consideration and approval of **Pay Request #1** by HWS for professional services through January 31, 2009, for the Spring Valley Road – Fox Sparrow Court to Sutter Woods Road project, in the amount of \$15,995.19. (Pay request will be submitted to TRF0067.)
- o. The consideration and approval of **Pay Request #7** by Konza Construction for construction services through February 15, 2009, for the Rucker Road – Whitney to US-77 project, in the amount of \$117,722.70. (Project is 41% complete.)
- p. The consideration and approval of **Interest Payment** to Larkin Excavating, for past due payments on the Spring Valley – McFarland Road to Wildcat Lane project, in the amount of \$20,627.66.

ITEM FOR SEPARATE ACTION

- p. The consideration and approval of **Interest Payment** to Larkin Excavating, for past due payments on the Spring Valley – McFarland Road to Wildcat Lane project, in the amount of \$20,627.66. City Engineer, Christina Cook, stated that she examined the request submitted from Larkin Excavating and found discrepancies and was able to reduce the interest rate and the amount requested. Ms. Cook has worked with KDOT to develop a system for requests, reimbursements and payments so that the City will not have interest payments in the future. Mr. Barnes informed the Commission that he was confident that the issue had been resolved between the City and KDOT. Commissioner Rhodes moved,

seconded by Commissioner Heldstab to approve the Interest Payment to Larkin Excavating for past due payments on the Spring Valley – McFarland Road to Wildcat Lane project in the amount of \$20,627.66. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.

SPECIAL PRESENTATIONS

- a. Mayor Wunder presented the Proclamation of National Women and Girls HIV/AIDS Awareness Day to Patricia Hunter of the Geary County Health Department. Ms. Hunter informed the public that on Saturday, March 7, 2009 from 1 to 3 p.m. at the Municipal Building there will be a presentation on HIV/AIDS Awareness. Ms. Hunter invited and encouraged the public to attend.

YOUTH COMMISSION COMMENTS

Mitchell Brennan informed the Commission that the Youth Commission has been working with the Clean Air Coalition providing input for the smoking ban ordinance. The Youth Commission has also been working on applying for a grant for Youth Smoking Prevention and has the possibility of being awarded a grant of up to \$15,000.00.

UNFINISHED BUSINESS

- a. Report on **Termination of Proposed Amarillo Biosciences Development Agreement**. City Attorney, Katie Logan, reported to the Commission that the City has approved a Development Agreement with Amarillo Bioscience, subject to approval by Spirit of '76 and Amarillo Bioscience. The development agreement was approved by Spirit of '76; however, Amarillo Bioscience did not sign the agreement until February 7, 2009 and made some changes to the agreement approved by the City. Due to the changes to the agreement, there is no final agreement between the City and Amarillo Bioscience. Joseph Cummins, Amarillo Bioscience CEO, concurs that there is no agreement. Mr. Cummings has a strong interest in relocating Amarillo to Kansas, with Junction City as the possible destination City and may request the opportunity in the future to make a presentation at a public meeting. Ms. Logan stated that the Commission did not need to take any action; this was only a report.

NEW BUSINESS

- a. The consideration and approval of **Ordinance G-1048** to assess Stormwater Fees to the monthly water bills (**First Reading**). City Engineer, Christina Cook, informed the Commission that the storm drainage fee will be assessed against all property in the City that is connected to either water or sanitary sewer or both. The fees to be assessed are the following:

Residential	\$5.00/month
Yard Meter	\$3.00/month
Non-residential	
2" or less meter	\$15.00/month
3" meter	\$35.00/month
4" meter	\$65.00/month
More than 4"	\$100.00/month

Ms. Cook stated that the revenues generated from the fee will be set aside in a special fund to be used only for the construction, reconstruction, maintenance, and repair of storm water system facilities, including acquisition, and related costs thereof, for real estate for such use. The monies may be used to pay fees to study and prepare

documents related to such facilities; and to make payment of principal and interest on bond issued for such improvements. Ms. Cook stated that this process is EPA mandated. Mr. Barnes stated that the 2009 budget includes this issue. The first billing for this fee would be either April or May. The Commission was concerned that non-metered properties would not be assessed the fee. The Commission directed Ms. Cook to research the possibility of also billing the non-metered properties. Ms. Logan stated that the Commission could pass the Ordinance this evening on first reading; the staff can then amend the ordinance and present the changes at the second reading. Commissioner Talley inquired about creating a Frequently Asked Questions brochure or informational sheet to provide to the public. Mr. Barnes stated that part of the mandate is an educational program for the public which the City has begun. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Ordinance G-1048 to assess Stormwater Fees to the monthly water bills (First Reading) with the stipulation that non-metered properties be included in the fee assessment. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- b. The consideration and approval of **Award of Contract** to L. Blixt Construction, Inc. for the New Horizons RV Tree Removal project, in the amount of \$35,206.00. **(REMOVED FROM THE AGENDA)**
- c. The consideration and approval of **Agreement between the City of Junction City and USD #475** to create Safe Routes to School. City Engineer, Christina Cook, informed the Commission that KDOT has agreed to be responsible for all construction and construction engineering costs up to \$250,000.00 for the Safe Routes to School project. USD #475 has agreed to be responsible for up to \$57,511.48 of the total actual costs of construction, construction engineering, preliminary engineering, right of way acquisition, and utility adjustments. The City agrees to be responsible for the total actual costs of construction, construction engineering, preliminary engineering, right of way acquisition, and utility adjustments which would exceed \$307,511.48. At this time the City has incurred no cost; only in-kind through staff time. Commissioner Talley moved, seconded by Commissioner Taylor to approve the Agreement between the City of Junction City and USD #475 to create Safe Routes to School. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration and approval of **Change Order #2** by Larkin Excavating, Inc., in the **decreased** amount of \$36,415.00, for the Spring Valley Road – McFarland Road to Wildcat Lane project. Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Change Order #2 by Larkin Excavating, Inc. in the decreased amount of \$36,415.00 for the Spring Valley Road – McFarland Road to Wildcat Lane project. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- e. The consideration and approval of an **Inter-local Agreement with Geary County** to provide planning and zoning services for the City of Junction City and Geary County. City Manager, Rod Barnes, introduced David Yearout, Consultant, and County Commissioner, Ben Bennett. Mr. Yearout informed the Commission that the proposal calls for a continued joint city/county planning and zoning department. In addition, it provides for a joint city/county inspection department. The agreement also eliminates the Board of Zoning Appeals and designates the Metropolitan Planning Commission as the Board of Zoning Appeals. It reduces the number of members from eleven to seven. Three of the members will be appointed by the City Commission and three by the County Commission and one member is jointly appointed. Of the City appointees, the majority must reside within city limits. The agreement moves the responsibility for all zoning to the County. There will be no cost from the City other than providing office space, furniture, computers,

etc. Two employees will be hired by the County and will be County employees for the purpose of payroll and benefits. The City will collect permit fees to cover the cost of code inspection services for Geary County. Mr. Yearout stated that the County Commission approved the agreement on March 2, 2009. Upon City Commission approval, the agreement will be submitted to the Kansas Attorney General for approval. Once the AG approves the agreement, it will be sent to the Geary County Register of Deeds and then the City and County can move forward. Commissioner Talley stated that he was very comfortable with the agreement and feels it is appropriate. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Inter-local Agreement with Geary County to provide planning and zoning services for the City of Junction City and Geary County. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- f. The consideration and approval of **R-2549-01** showing support and commitment for the implementation of the US-77 and K-18 Corridor Management Plan. Three community meeting have been held with regard to this plan. The plan is currently on the City's website and accessible to the public. There is no impact on the City's budget. Commissioner Talley moved, seconded by Commissioner Rhodes to approve R-2549-01 showing support and commitment for the implementation of the US-77 and K-18 Corridor Management Plan. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration and approval of **Federal-Aid, HSIP Funding**, in the amount of \$150,000.00 for installation of traffic signals at the intersection of 6th and Franklin. (HSIP funds are 90% Federal and 10% City split. City is responsible for all right-of-way, utility relocation and design costs, 10% of the construction and construction engineering, and any costs over \$150,000.00.) City Engineer, Christina Cook, informed the Commission that KDOT has selected 6th and Franklin to be eligible for \$150,000 worth of funds for a traffic signal. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Federal-Aid HSIP Funding in the amount of \$150,000.00 for installation of traffic signals at the intersection of 6th and Franklin. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

COMMISSIONER COMMENTS

Commissioner Taylor wished Lillian Drew congratulations on her 90th birthday. She has been a great asset to the community with the children she has assisted.

Commissioner Talley stated that the Opera House has a tribute to Simon and Garfunkel this weekend. The Opera House has had great events and he encouraged the public to attend the events at the Opera House.

Commissioner Heldstab stated that he and his wife attended the retirement ceremony on Fort Riley last week and nine of the retirees out of 24 are staying in the immediate area. Mrs. Dail, the City Manager's Secretary, was also in attendance because her husband retired and they are moving back to Minnesota. Commissioner Heldstab stated that we're going to miss Mrs. Dail. Commissioner Heldstab invited everyone to attend the presentation at the Junction City Middle School that the Ministerial Alliance is sponsoring. The tickets are free. Commissioner Heldstab stated that he received an email from a citizen who was concerned because they had heard that Manhattan was to receive a large amount of the stimulus money from the government. City Manager, Rod Barnes, stated that Manhattan is not receiving stimulus money. Mr. Barnes spoke with the City Manager of Manhattan and he confirmed this. Mr. Barnes stated that the Mayors of

Kansas put together a wish list and submitted to the government; however, they were not successful. Mr. Barnes stated that City staff is applying for as much stimulus money as possible.

Commissioner Rhodes requested that Ms. Cook look at the possibility of creating a right turn only lane at 6th and Washington. Ms. Cook stated she would research his request and report back to the Commission.

STAFF COMMENTS

City Manager, Rod Barnes, thanked his Secretary, Jodie Dail, for all of her work she has done for him and the City. Mr. Barnes stated that the Neighborhood Meetings will be held March 9th (Fire Station #2 with Commissioner Talley), March 10th (Opera House with Commissioners Heldstab and Taylor), and March 11th (12th Street Community Center with Commissioner Rhodes). These meetings are for the Commissioners to receive public input for the 2010 budget. The Citizens' Institute begins March 5th. The class will graduate in May. The class consists of 10 participants and meets periodically from 6 to 8 p.m. Mr. Barnes stated the City staff is working in conjunction with the County to coordinate and plan the Legislative Day in Topeka which will be held March 18th.

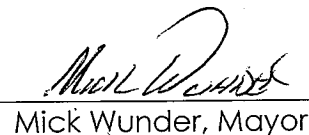
City Engineer, Christina Cook, stated that Westwood Boulevard will be closed from Thompson to Rucker Road on March 5th and March 6th. Both lanes of traffic will be closed. The media has been notified.

ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Talley to adjourn at 8:17 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 17th DAY OF MARCH 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR MARCH 3, 2009.


Tricia Gowen, City Clerk


Mick Wunder, Mayor